

REMARKS

In the Office Action mailed January 7, 2005, claims 1-6 and 8-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-10, 20-23, and 25-28 in co-pending Application No. 10/938,927; claim 24 was objected to based on an informality; claims 1, 3-5, 8, 10-12, and 14-19 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,986,549 to Teodorescu; claims 2, 9, 20, and 22-28 were rejected under 35 U.S.C. § 103(a) as obvious over Teodorescu in view of U.S. Patent No. 5,682,032 to Philipp; claims 6, 7, and 13 was rejected under 35 U.S.C. § 103(a) as obvious over Teodorescu in view of U.S. Patent No. 6,297,627 to Towne et al.; and claim 21 was rejected under 35 U.S.C. § 103(a) as obvious over Teodorescu in view of Philipp and in further view of Towne et al.

Applicants acknowledge the provisional double patenting rejection and will submit a terminal disclaimer at an appropriate time during the pendency of the present application, if such becomes necessary due to the issuance of co-pending Application No. 10/938,927.

Claim 20, from which claim 24 depends, has been amended to include antecedent basis for the term "the operational amplifier". Applicants therefore request that the objection to claim 24 be withdrawn.

Claim 1 was rejected as anticipated by Teodorescu. To anticipate a claim, a reference must disclose each and every element of the claim. (See MPEP § 2131.01.) Teodorescu, however, fails to teach every limitation of claim 1. Claim 1 includes the limitation of "an operational amplifier being operated as a unity gain follower and receiving an antenna signal from the antenna" as part of the proximity detection circuit. In contrast, the Teodorescu reference discloses a proximity detection circuit that includes an operational amplifier (24) receiving an antenna signal from the antenna. (See Teodorescu, Fig. 1.) The Teodorescu reference *does not* disclose that the

operational amplifier (24) is “operated as a unity gain follower”. Fig. 1 of the Teodorescu reference does not depict the operational amplifier (24) configured as a unity gain follower, and the written description makes no mention of operating the operational amplifier (24) as a unity gain follower.

Claim 1 also includes the limitation that the antenna signal is “representative of an external capacitive load on the antenna”. The Teodorescu reference also does not disclose this limitation. Rather, the Teodorescu reference discloses that the antenna signal corresponds to changes in the impedance of the resonant sensor 20 (the antenna). Thus, the Teodorescu reference relies on impedances to generate the antenna signal, and not capacitances. For these reasons, the Teodorescu reference fails to teach every limitation of claim 1 and therefore does not anticipate claim 1.

Each of claims 3-5 ultimately depends from claim 1. Where the Teodorescu reference does not anticipate amended claim 1, it also do not anticipate claims 3-5.

Claims 8 and 12 each also include the limitations of an “operational amplifier” which is “operated as a unity gain follower” and of “the antenna signal being representative of an external capacitive load on the antenna”. As discussed above in relation to claim 1, the Teodorescu reference does not disclose these limitations. For this reason, the Teodorescu reference fails to teach every limitation of claims 8 and 12 and therefore does not anticipate these claims.

Each of claims 10, 11, and 14-19 ultimately depends from one of claims 8 or 12. Where the Teodorescu reference does not anticipate amended claims 8 and 12, it also do not anticipate claims 10, 11, and 14-19.

Claim 2 was rejected as obvious over the Teodorescu reference in view of the Philipp reference. The MPEP sets the following standard for establishing a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

MPEP § 2143. As is detailed below, the combinations of references cited do not teach or suggest all the limitations of the rejected claims. Such combinations of references therefore do not establish a *prima facie* case of obviousness against the rejected claims.

Claim 2 depends from claim 1, and thus includes the limitation of "an operational amplifier being operated as a unity gain follower". As discussed above in relation to the anticipation rejection to claim 1, the Teodorescu reference does not teach or disclose this limitation. In addition, neither the figures nor the written description of the Philipp reference discloses this limitation. The combination of the Teodorescu and Philipp references therefore does not establish a *prima facie* case of obviousness over claim 2.

Claim 9 was also rejected as obvious over the combination of the Teodorescu and Philipp references. Claim 9 depends from claim 8, which includes the limitation of "an operational amplifier being operated as a unity gain follower". For the same reasons discussed in relation to claim 2 above, the combination of the Teodorescu and Philipp references does not establish a *prima facie* case of obviousness over claim 9.

Claim 20 was also rejected as obvious over the combination of the Teodorescu and Philipp references. Claim 20 was amended to include the limitation from canceled claim 28 of "buffering an impedance mismatch between the antenna and a detector circuit with an operational amplifier operated as a unity gain follower". For the same reasons discussed in relation to claim 2 above, the combination of the Teodorescu and

Philipp references does not establish a *prima facie* case of obviousness over amended claim 20.

Claims 6, 7, and 13 were rejected as obvious over the combination of the Teodorescu and Towne et al. References. Each of these claims ultimately depends from claims 1 or 8. Each therefore includes the limitation of “an operational amplifier being operated as a unity gain follower”. As discussed above in relation to claim 1, the Teodorescu reference does not disclose this limitation. In addition, neither the figures nor the written description of the Towne et al. reference discloses this limitation. The combination of the Teodorescu and Towne et al. references therefore does not establish a *prima facie* case of obviousness over claims 6, 7, and 13.

Claim 21 was rejected as obvious over the combination of the Teodorescu, Philipp, and Towne et al. references. Claim 21 depends from amended claim 20, which includes the limitation of “an operational amplifier operated as a unity gain follower”. As discussed above in relation to claims 1, 2, and 6, none of these references disclose this limitation. The combination of the Teodorescu, Philipp, and Towne et al. references therefore does not establish a *prima facie* case of obviousness over claim 21.


Applicants have added new claims 29-52 to the present application, each of which is dependent from one of claims 1, 8, 12, or 20. The novel aspect of these claims lies at least in limitations included in the respective independent claims from which each new claim depends.

In view of the foregoing, Applicants request reconsideration of the rejections.

Respectfully submitted,

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